

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

KEVIN BONHAM,)	
)	
Plaintiff,)	
)	
v.)	No. 3:23-cv-00180-MPB-CSW
)	
INDIANA TUBE CORPORATION,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 17, 2024, Defendant Indiana Tube Corporation filed a Notice of Plaintiff's Noncompliance. (Docket No. 35). Thereafter, the Magistrate Judge issued a Report and Recommendation (Docket No. 36) recommending that this case be dismissed for failure to prosecute. Plaintiff did not file an objection.

I. Legal Standard

While a district court judge ordinarily reviews a magistrate's judge's report and recommendation de novo, if "no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (citing *Goffman v. Gross*, 59 F.3d 668, 671 (7th Cir. 1995); *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)). Following such review, the district court judge is empowered to adopt, reject, or modify the recommendations and/or findings by the Magistrate Judge. *See* Fed. R. Civ. P. 72(b).

II. Discussion

In support of her recommendation that this case be dismissed for failure to prosecute, the Magistrate Judge provided the following reasoning:

Plaintiff has failed to respond to discovery requests that are long overdue despite an order compelling his responses. (Dkt. 34). Plaintiff's counsel has not had direct contact with his client for an extended period of time, and Plaintiff's current whereabouts are unknown. (Dkt. 35). Plaintiff's failure to maintain contact with his counsel and failure to cooperate in the discovery process has caused an unnecessary delay, which has prejudiced the Defendant in its ability to investigate Plaintiff's claims and defend the case.

(*Id.* at ECF p. 1). Plaintiff did not timely file an objection. *See* Fed. R. Civ. P. 72(b); 28

U.S.C. § 636(b)(1). Having reviewed the recommendation and the record, the Court finds no clear error. Although dismissal is a harsh sanction, it is appropriate in this instance.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Docket No. 36). This case is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 41(b). Final judgment shall issue by separate order.

IT IS SO ORDERED.

Dated: November 25, 2024

A handwritten signature in black ink, reading "Matthew P. Brookman", written over a horizontal line.

Matthew P. Brookman, Judge
United States District Court
Southern District of Indiana

Served electronically on all ECF-registered counsel of record.